



NEW YORK
REGIONAL OFFICE

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
100 PEARL STREET, SUITE 20-100
NEW YORK, NY 10004-2616

MEMO ENDORSED, at last page

January 24, 2023

Via ECF

Hon. Edgardo Ramos
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: SEC v. Honig, et al., No. 18 Civ. 8175 (ER) (S.D.N.Y.)

Dear Judge Ramos:

Plaintiff Securities and Exchange Commission ("Commission") and Defendant Ladd respectfully submit their joint request for modification of the briefing schedule (DE 307) on the parties' cross motions for partial summary judgment, and for an enlargement of the Court's page limitations on the memoranda of law in support and opposition.

Defendant Ladd served his motion for partial summary judgment on November 21, 2022, seeking summary judgment on the Commission's fraud claims with respect to the (1) May 9, 2016 press release issued by MGT Capital Investments, Inc. ("MGT"), (2) his own Forms 4 and 144; and (3) his alleged failure to disclose the group status of certain investors in MGT's November 6, 2015 Form S-1 and its April 14, 2016 Form 10-K.

The Commission's affirmative cross motion and opposition to Ladd's motion are due on January 31, 2023. (DE 307.) Since the Commission intends to move for partial summary judgment on its fraud claims arising out of MGT's May 9, 2016 press release and Ladd's Forms 4 and 144, the Commission intends to combine its moving and opposition briefs so that all of the issues on the parties' cross motions are addressed in a single brief. The Commission also intends to oppose Ladd's motion for partial summary judgment on the Commission's fraud claim arising out of MGT's failure to disclose the group status of certain MGT investors, and to move for summary judgment on three of its strict liability claims under Section 5 of the Securities Act of 1933, and Sections 16(a) and 13(d) of the Securities Exchange Act of 1934.

Given the multiple grounds on which the Commission seeks partial summary judgment, and opposes Ladd's motion, the Commission seeks enlargement of the Court's Individual Practice 2.B.i page limitation to allow it an additional 12 pages for its combined moving and opposition brief.

Ladd does not object to the Commission's motion provided that he, too, be given 12 additional pages: 6 pages for his Reply to the Commission's opposition; and 6 pages for his opposition to the Commission's moving brief. The Commission has no objection to this request.

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Ladd also seeks an additional two weeks to file his Opposition and Reply, or March 17, 2023 due to the press of other matters. Under the current briefing schedule, those papers were due on March 3, 2023. (DE 307.) The Commission is amenable to that extension, and requests that it be allowed to file its reply three weeks later, or April 7, 2023.

Respectfully submitted,

/s/ Nancy A. Brown

Nancy A. Brown

Counsel for Plaintiff

/s/ Adam Ford

Adam Ford

Counsel for Defendant Robert Ladd

The Parties' requests are granted. Plaintiff is granted an additional 12 pages for its combined moving and opposition brief. Defendant Ladd is granted a 6 page enlargement his Reply to the Commission's opposition and a 6 page enlargement for his opposition to the Commission's moving brief. Ladd's Opposition and Reply shall be filed no later than March 17, 2023. Plaintiff shall file its reply no later than April 7, 2023. SO ORDERED.



Edgardo Ramos, U.S.D.J.

Dated: January 24, 2023

New York, New York